



ORIGINAL

**A RESOLUTION OF THE CITY OF SUNNYSIDE,
WASHINGTON, CALLING FOR AN ADVISORY ELECTION TO
CONSIDER ADOPTING REGULATIONS FOR PRODUCTION,
PROCESSING, AND RETAIL SALES OF RECREATIONAL
MARIJUANA, OR ADOPTING A BAN FOR PRODUCTION,
PROCESSING, AND RETAIL SALES OF RECREATIONAL
MARIJUANA WITHIN THE CITY**

WHEREAS, Initiative 502 was passed by the voters of the State of Washington in November 2012 providing a framework which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, under Initiative 502, the Washington State Liquor Control Board ("Board") has adopted regulations governing the licensing and operation of marijuana producers, processors, and retailers; and

WHEREAS, collective gardens and marijuana production, processing, and retailing uses must be addressed in the City's zoning code, but the impacts of these uses are still largely unknown; and

WHEREAS, possession and use of marijuana for any purpose, including medical use, remains illegal under Federal Law. Marijuana is listed as a Schedule I drug under the Uniform Controlled Substances Act. Despite efforts by the Governor and the State Attorney General to get some clarity from the U.S. Attorney General, it is still unclear, how the Federal government would respond to the State and local governments who issue permits in compliance with State law; and

WHEREAS, there are several lawsuits pending, which could eventually impact regulations related to marijuana production, distribution, sales and use; and

WHEREAS, it is anticipated that producing, processing, and retail sales of recreational marijuana may require an increased risk to health and safety, require increased police and code enforcement activities, and affect the use and enjoyment of surrounding properties without appropriate regulations; and

WHEREAS, unless the City acts immediately to address collective gardens, production, processing and retail sales of marijuana, and other marijuana-related uses, such uses may be able to locate in the City without regulation and thereby have adverse impacts on the City and its citizens; and

WHEREAS, the City intends to develop appropriate zoning and land use regulations to accommodate the production, processing, and retail sales of recreational marijuana to the extent such activities do not conflict with Federal law; and

WHEREAS, many jurisdictions in Washington have passed bans for the production, processing, and retail sales of recreational marijuana; and

WHEREAS, several jurisdictions have been involved with litigation in defense of these bans, and to date, the bans have been upheld; and

WHEREAS, Washington law authorizes the City to call for an advisory election to help the Council consider whether the City should adopt appropriate regulations for production, processing, and retail sales of recreational marijuana, or whether the City should pass a ban on such activities; and

WHEREAS, it appears that the most appropriate way to determine the will of the people on this question is to submit to the voters, as an advisory ballot measure, the question of whether or not the people are in support of allowing a regulation of production, processing, and retail sales of recreational marijuana in Sunnyside.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. Request for Election. The City Council of the City of Sunnyside, hereby requests that the Yakima County Auditor place on the primary election on August 4, 2015, the ballot proposition described in Section 2 of this Resolution.

SECTION 2. Ballot Proposition. The proposition to be submitted to the electorate shall read substantially as follows:

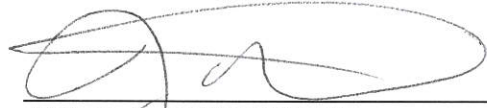
PROPOSITION 1:
(Advisory only)
City of Sunnyside
Marijuana Regulations

Please advise the City Council (nonbinding) of your preference for recreational marijuana activities in the City (select one of the following).

- ☐ Allow regulation of recreational marijuana activities within the City of Sunnyside to include production, processing, and retail sales of recreational marijuana.
- ☐ Ban recreational marijuana activities within the City of Sunnyside to include production, processing, and retail sales of recreational marijuana.

SECTION 3. Effective Date. This Resolution shall be in full force and effect upon its passage and signature below.

PASSED this 13th day of April, 2015.


JAMES A. RESTUCCI, Mayor

ATTEST:


DELILAH SAENZ, CMC, CITY CLERK

APPROVED AS TO FORM:


KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside